GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – PR&RD Department – Sri A.Kondaiah Panchayat Secretary, Vinagadapa Gram Panchayat, Grade-III – Gampalagudem Mandal – Trapped by A.C.B Vijayawada – Prosecution accorded – Charge held proved – Convicted – Imposing the penalty of Dismissal from Service - Orders issued – Request for sanction of Compassionate Allowance under Rule 40 of AP Revised Pension Rules, 1980 on sympathetic Grounds – Sanctioned – Orders –Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.V) DEPARTMENT

G.O.Rt.No.98

Dated:08-03-2022

Read the following:-

1. Judgment by the Spl. Judge for SPE&ACB Cases, Vijayawada dated: 27-10-2009 in CC.No.10/2008.
2. Govt.Memo.No.830/Vig.IV/A2/2007-4, dated 03-02-2010.
3. Proceedings ROC.No.3/2007,Pts, Dated:19-02-2010 of the District Collector, Krishna.
4. Orders of the Hon'ble APAT, Dated: 16-08-2010 in O.A. No.5421/2010.
5. From Sri A.Kondaiah, Panchayat Secretary (Dismissed), appeal Dated:18-09-2010.
6. From the District Collector, (PW), Krishna District, Machilipatnam, ROC.No.3/07/Pts-8, Dated: 29-10-2010.
7. From the CPR&RE Lr.No.14605/CPR&RE/E(3)/Vig/2010, Dated: 06-01-2011.
8. Govt.Memo.No.830/Vig.IV/A2/2011, dated 31-03-2011.
9. From the Commissioner PR&RD, A.P, Tadepalli, Lr.Rc. No. 1176250/CPR&RD/Vig/2007, dated 10-11-2020.

****

ORDER:

In the reference 2nd read above, Government have issued orders to the District Panchayat Officer, Krishna District, to impose the punishment of "Dismissal from service" against Sri A.Kondaiah, former Panchayat Secretary, Vavilala, Panchayat, Tiruvuru Mandal of Krishana District under clause (i) of Rule 25 of the APCS (CC&A) Rules,1991 read with the orders issued in G.O.Ms.No.2, G.A.(Ser.C) Dept., dated:04.01.1999 consequent on his conviction vide reference 1st read above. Accordingly, the District collector, Krishna has issued orders for dismissing Sri A. Kondaiah, Panchayat Secretary, from service, vide reference 3rd read above.

2. Aggrieved by the above orders, Sri A.Kondaiah, former Panchayat Secretary, Vavilala, Panchayat, Tiruvuru Mandal of Krishana District has filed O.A. No.5421/2010 in the APAT and the Hon'ble APAT in their order vide reference 4th read above observed that order of the Collector, (PW) Krishna vide reference 3rd read above, is an appealable orders and the applicant has chosen to approach the Tribunal without availing alternative remedy available under the APCS (CC&A) Rules 1991, and the Tribunal is not inclined to entertain the application.

3. Sri A.Kondaiah, former Panchayat Secretary, Vavilala, Panchayat, Tiruvuru Mandal of Krishana District has filed an appeal before the Commissioner of Panchayat Raj & Rural Employment, vide appeal petition 5th read above, requesting for his reinstatement into service. The Commissioner of Panchayat Raj & Rural Employment vide their letter 7th read above, while furnishing the remarks of the District Collector, Krishna, has requested the Government to issue necessary orders in the matter.

4. The Government after a detailed examination of the matter, rejected the appeal petition of Sri A.Kondaiah, former Panchayat Secretary, Vavilala Panchayat, Tiruvuru Mandal of Krishana District, for his reinstatement to service, vide reference 8th read above. The individual was retired under dismissal from service.

[P.T.O]

5. The Commissioner, PR&RD, AP vide his letter 9th read above, has informed that, the individual has filed a Criminal Appeal vide CRL. A.MP No. 2665 of 2009 in CRL.A. No. 1629 of 2009 before the Hon'ble High Court of AP. The Hon'ble High Court of AP in its Order, dt.13.11.2009 has issued orders *"sentence of imprisonment alone is suspended pending disposal of the Criminal Appeal on the same terms and conditions as imposed by the trail Court"*. He has further stated that the DPO, Krishna has submitted the representation of Sri A. Kondaiah, Panchayat Secretary (Dismissal from Service) in which he has requested for sanction of compassionate allowance for his livelihood on sympathetic grounds, under Rule 40 of A.P. Revised Pension Rules,198

6. Government after careful examination of the proposal of the CPR&RD, AP, Tadepalli, Guntur District, keeping in view of the health conditions of the individual, Government here by decided and sanction of Compassionate Allowance two-thirds of pension in respect of Sri A.Kondaiah, former Panchayat Secretary, Vavilala Panchayat, Tiruvuru Mandal of Krishana District, under the proviso to the Rule 40 of A.P. Revised Pension Rules 1980, which shall be subject to Rule 45, which would have been admissible to him if he had retired on invalid pension, subject to outcome of the CRL.Appeal filed by the individual before High Court of the Andhra Pradesh.

7. The Commissioner, PR&RD, AP shall take necessary further action accordingly.

8 This orders is issued with the concurance of Finance (HR-III – Pension & GPF) Department Vide their U.O.No. FIN01-HR0NGM(PEM)/31/2020-HR-III Dated 20-01-2021.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner, PR&RD, AP.
Copy to:
Sri A.Kondaiah, former Panchayat Secretary, Vavilala, Panchayat, Tiruvuru Mandal of Krishana District **through** the Commissioner, PR&RD, AP.
SF/SC(1304648)

//FORWARDED BY ORDER //

V. Gurya Kumar
SECTION OFFICER